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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the combined second, third and fourth periodic reports of Viet Nam*

I. General information

1. With reference to article 6, paragraph 3, of the Law on the Conclusion, Accession to and Implementation of Treaties, please clarify whether the Covenant is directly applicable or whether the State party has adopted implementing laws. Please provide information on any cases in which the Covenant has been invoked before, or applied by, domestic courts.

2. Please provide information on the impact of measures taken to increase awareness of economic, social and cultural rights among the general public. Please also inform the Committee about the steps taken to ensure that human rights are an inherent part of the school syllabus and the training of judges and public prosecutors.

3. Please indicate whether the State party views the declaration made at the time of ratifying the Covenant with respect to article 26, paragraph 1, as of continued relevance or whether there are plans to withdraw it.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2 (1) – Maximum available resources

4. Please provide information on steps taken to prevent corruption at all levels of public administration and to combat its negative effect on the enjoyment of economic, social and cultural rights. Please also provide information on the number of high-level officials who have been found guilty of corruption and subsequently prosecuted, if any, and on the sentences passed. In addition, please provide information on the protection afforded to persons who report cases of corruption.

5. Please provide information on the strategy adopted by the State party, as it graduates to a lower middle-income country, to mitigate the impact of the reduction of international aid on the resources available for the promotion of economic, social and cultural rights.

* Adopted by the pre-sessional working group at its fifty-third session (26–30 May 2014).

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Article 2 (2) – Non-discrimination

6. Please provide information on the legislative framework for the implementation of article 52 of the Constitution concerning equality, other than gender equality, regarding the enjoyment of economic, social and cultural rights, and indicate whether discrimination, including indirect discrimination, is explicitly prohibited on all grounds.

7. Please provide information on the rate of compliance with the requirement for enterprises to employ persons with disabilities. Please also provide updated information on how the activities of the Employment Fund for People with Disabilities have affected the enjoyment of the right to work and the right to education of people with disabilities.

Article 3 – Equal rights of men and women

8. Please indicate the extent to which the 2011–2020 National Strategy on Gender Equality (a) addresses women's overrepresentation in the informal economy, (b) promotes women's access to higher education, including to fields of study traditionally pursued by men, (c) includes measures promoting reconciliation of professional, family and personal life, and (d) makes use of temporary special measures in public administration, where women are still underrepresented.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – The right to work

9. Please provide updated statistical data on employment, including time usage rate, disaggregated by sex, age group, formal/informal economy, urban/rural area and year for the last five years.

10. Please provide updated statistical data on the system of job brokerage, including the number of centres, persons consulted and placed, disaggregated by sex, age group, formal/informal economy, urban/rural area and year for the last five years. Please also provide information on the measures the State party has taken to develop the system.

11. Please provide information on the situation of persons whose right to land usage has been revoked, as well as the situation of their families. Please indicate in particular how the implementation of Decrees No. 22/1998/ND-CP and No. 197/2004/ND-CP has affected those persons' enjoyment of economic, social and cultural rights.

Article 7 – The right to just and favourable conditions of work

12. Please indicate whether the State party has taken measures to increase the capacity of the labour inspectorate to monitor conditions of work. Please also provide yearly statistics on the number of inspectors, the number of inspections conducted, the percentage of enterprises inspected, the complaints lodged with the labour inspectorate and the follow-up thereto.

13. Please provide information about the impact of any measures the State party has taken to protect the right to just and favourable conditions of work for persons working in the informal economy. Please also indicate the extent to which the new Enterprise Law and the new Investment Law address the barriers to job creation in the formal economy.

14. Please inform the Committee about the protection of migrant workers' labour rights provided under the Law on Vietnamese People Working Abroad under Contracts and any bilateral agreements the State party has concluded with recipient countries. Please also indicate the extent to which the State party takes account of labour rights in its policy on employment opportunities for Vietnamese migrant workers.

Article 8 – Trade union rights

15. Please provide information on the status of the revision of the Law on Trade Unions, the changes introduced and the extent to which the revised text complies with the provisions of the Covenant, including with respect to the right to strike.

Article 9 – The right to social security

16. Please provide information on the impact of the measures taken to address the problems of procedural eligibility and resources which have been obstacles to achieving universal coverage of health insurance. Please also indicate the extent to which the cost of medicines is covered by health insurance.

17. Please indicate the percentage of workers covered by unemployment insurance. Please also provide information on the impact of measures taken to improve the level of participation in voluntary social insurance, to reach out to those living in rural, remote and mountainous areas and to address procedural and geographical barriers to their enrolment.

Article 10 – Protection of the family, mothers and children

18. Please provide information on the impact of the implementation of the 2005–2010 National Elderly Action Programme on the enjoyment of economic, social and cultural rights by older persons, in particular those who are not recipients of pension benefits.

Article 11 – The right to an adequate standard of living

19. Please indicate whether the State party is planning to calculate its poverty line in order to ensure a minimum level of enjoyment of economic, social and cultural rights, including the right to adequate housing and the right to clean water and adequate sanitation.

20. Please provide information about the measures taken to improve the resilience and preparedness for natural disasters of the population living in remote and mountainous areas, and about the impact those measures have had in mitigating the effect of natural disasters on that population's enjoyment of economic, social and cultural rights.

21. Please indicate which groups are targeted by the preferential credit loan and the subsidy system for the development of water supply and rural environment sanitation. Please provide information on any measures taken to eliminate the financial burden faced by people in some areas in order to enjoy the right to access to clean water, while elsewhere, the State party provides the connection to the public water pipeline system. Please also provide information on the measures taken to reduce the high level of water wastage in urban areas.

22. Please provide information on any statute laws regulating the conversion of agricultural land to other purposes, and indicate the rights guaranteed to people who resettle as a result of such conversions, and the consideration accorded to land under customary tenure.

23. Please provide information on the results achieved by the implementation of Decision No. 167/2008/QD-TTg of 12 December 2008. Please include details of the number of housing units built and the beneficiaries, including the criteria used for the allocation of the homes.

Article 12 – The right to physical and mental health

24. Please indicate the extent to which the Health Care Fund for the Poor policy has ensured equal access to quality health care. Please inform the Committee about the impact of the measures the State party has taken to provide adequate treatment to persons with HIV/AIDS, as well as to prevent HIV/AIDS and other infectious diseases.

25. Please provide information on measures taken to ensure access to quality mental health care and to develop community-based mental health services.

Articles 13 and 14 – The right to education

26. Please provide information on the impact of measures taken to improve access to education and retention in school for children from ethnic minorities and those living in remote areas.

Article 15 – Cultural rights

27. Please provide information on how the traditional practices and customs and religious rights of the ethnic minorities affected by Decision No. 33/2007/QD-TTg on Support Policy for Sedentism for ethnic minorities in 2007–2010 are preserved. Please indicate the extent to which the ethnic minorities affected by the Decision have been involved in discussions on its implementation.

28. Please indicate the measures taken to ensure the greatest possible access to the Internet.